

JOSEPH SONIAT DUFOSSAT.

DECEMBER 22, 1831.

Mr. BULLARD, from the Committee on Private Land Claims, made the following

REPORT:

*The Committee of Private Land Claims, to which was referred the petition of Joseph Soniat Dufossat, have had the same under consideration, and report:*

That it appears by the documents accompanying the petition, that, on the 15th of June, 1762, J. Desruissaux presented his petition to De Kerlerec, at that time Governor of the province of Louisiana, and Faucault, director or *ordonnateur* of the same, in which he represents, that, having some years before established a stock-farm on an island in lake Ponchartrain, on the left of the place called *Les Coquilles*, two leagues in length, and one and a half in breadth, extending as far as the outlet of the Rigolets; that he had already built a house and placed a considerable stock there, which he states had been done with permission from the Governor, to whom the petition is presented—he asks a regular concession of the island.

On the 2d of June, 1762, Louis de Kerlerec, the Governor, and Denis Nicolas Faucault, acting as *commissaire ordonnateur*, under their seals, grant to the petitioner the island above described, reciting that the establishment already made was by their previous verbal permission: they grant him the island in full property for himself and his heirs, but on condition that he shall continue the establishment already made; and if not, and in default thereof, within one year from the date, it shall revert to the domain of the King. They also impose on the grantee the obligation of paying the *droits seigneuriaux*, if any should be imposed; and reserving, besides, for his Majesty all the timber necessary for the construction of fortifications, magazines, and other works, which are or may be ordered, and for the repair of public vessels.

The authenticity of this grant is certified, after the cession of Louisiana to Spain, by the notary of the Government, Juan Bautista Garie, whose certificate bears date June 3d, 1776; and he further certifies that the grant conforms to the usages of granting lands under the preceding Government. It appears that, in 1791, a contest arose between the heirs of the grantee and one Rillieux, in relation to the ownership of the island, and that a suit was at that period pending between them. The testimony of witnesses, which, according to the usages of Spanish tribunals, is reduced to writing, accompanies the petition, and goes to show how far the grantee complied with the conditions by continuing his establishment on the island.

One witness testifies, that Desruissaux built a two story house, and lived on the island; another, that he knows that Desruissaux inhabited the island,

and never heard that it belonged to any other person. Another witness testifies, that, for thirty-five years preceding the year 1791, the island had belonged to Desruissaux, he having purchased it of the Biloni Indians; that he built a house and negro cabins, and raised crops on it, and kept a stock there. Another witness states, that, in 1773, he was on the island, saw a house, and orange trees, as well as other fruit trees, and that it belonged to Desruissaux; and some of them state that the island, at that time, was called Desruissaux's island.

It appears, that, on the 25th of April, 1791, the parties came to a compromise, by which the heirs of the grantee relinquished their rights to the defendant, Vincent Rillieux, in consideration of one thousand dollars; and thereupon a decree was entered by the Lieutenant Governor and Auditor of War, Don Nicolas Maria Vidal, confirming the title of Rillieux to the land.

From Rillieux to the present claimant, the change of conveyances is complete.

The land claimed by the petitioner, and covered by the grant to Desruissaux, having been recognized by a court of competent authority before the cession of Louisiana to the United States, as the private property of Rillieux, appears to the committee to be guarantied to its legitimate owner by the 3d article of the treaty of cession, by which it is stipulated that the inhabitants of the ceded territory shall be ultimately incorporated in the Union; and that, "in the mean time, they shall be maintained and protected in the free enjoyment of their liberty, property, and the religion which they profess."

But it appears that the patent has not heretofore been recognized by the United States, and the land covered by the patent is liable to be surveyed and sold as a part of the public domain. The committee, therefore, report a bill for the relief of the claimant.